PTO/SB/61 (07-06)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMENCE.

Docket Number (Optional)

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

70439.00003

First Named Inventor: Gaetano T Montelione

Application Number: 10/536,705

Filed: June 26, 2004

Art Unit: Unkn

Examiner: Unknown

Title: RIBOSOMAL RNA METHYLTRANSFERASES RIMA: TARGET VALIDATION AND PROCESSES FOR DEVELOPING AN INHIBITOR ASSAY AND IDENTIFICATION OF CANDIDATE INHIBITORS

Attention: Office of Petitions **Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United Sates Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- Petition fee. (1)
- Reply and/or issue fee. (2)
- Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed (3)before June 8, 1995, and for all design applications; and
- Adequate showing of the cause of unavoidable delay.

1. Pet	ition fe	ee Small entity – fee \$ <u>250</u> (37 CFR 1.17(I)) See 37 CFR 1.27.	. Applicant claims	small entity status.	
		Other than small entity – fee \$ (37 C	FR 1.17(I)).		
2. Rep	oly and	d/or fee			
A	The reply and/or fee to the above-noted Office action in the form of Response to Notification of Missing Requirements (identify the type of reply): X has been filed previously on March 8, 2006				
	X	has been filed previously on March 8, 2006 is enclosed herewith.		- ·	
В	_	issue fee of \$	08/25/2006 HGUTE 01 FC:2452	MA1 00000035 501943 250.00 DA	10536705
		has been filed previously on			
		is enclosed herewith.			

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF	AN APPLICATION	ON FOR PATENT	ABANDONED
UNAVOIDA	ABLY UNDER 37	CFR 1.137(a)	

Terminal disclaimer with disclaimer fee				
Since this utility/plant application was filed on or after June 8,	1995, no terminal disclaimer is required.			
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for other than a small entity) disclaiming herewith (see PTO/SB/63).	\$ for a small entity or the required period of time is enclosed			
 An adequate showing of the cause of the delay, and that the entire delay in for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was 	iling the required reply from the due date s unavoidable, is enclosed.			
WARNING:				
Petitioner/applicant is cautioned to avoid submitting personal information in that may contribute to identity theft. Personal information such as so numbers, or credit card numbers (other than a check or credit card autho payment purposes) is never required by the USPTO to support a petition or information is included in documents submitted to the USPTO, petitioners such personal information from the documents before submitting them to advised that the record of a patent application is available to the public after a non-publication request in compliance with 37 CFR 1.213(a) is made in the Furthermore, the record from an abandoned application may also be available referenced in a published application or an issued patent (see 37 Clauthorization forms PTO-2038 submitted for payment purposes are not therefore are not publicly available.	cial security numbers, bank account rization form PTO-2038 submitted for an application. If this type of personal applicants should consider redacting the USPTO. Petitioner/applicant is publication of the application (unless e application) or issuance of a patent. able to the public if the application is FR 1.14). Checks and credit card retained in the application file and			
	8/23/06			
- FAA				
Signature	Date			
Shahnam Sharareh	59,040			
Typed or printed name	Registration Number, if applicable			
Fox Rothschild LLP, 997 Lenox Drive, Bldg. #3	609 844-3030			
Lawrenceville, NJ 08648 United States of America	Telephone Number			
Address				
Enclosure [X] Fee Payment				
X Reply				
Terminal Disclaimer Form				
X Additional sheets containing statements establishing unavoid	X Additional sheets containing statements establishing unavoidable delay			
OFFICIAL OF THE UNIO OF TRANSPORTED OF THE	27 CER 4 9(a))			
CERTIFICATE OF MAILING OR TRANSMISSION (I hereby certify that this correspondence is being: deposited with the United States Postal Service on the date shown to class mail in an envelope addressed to Mail Stop Petition, Commis Alexandria, VA 22313-1450.	pelow with sufficient postage as first			
transmitted by facsimile on the date shown below to the United State (571) 273-8300.	es Patent and Trademark Office at •			
8/23/06 Uga al. (C)	DUMUS)			
Bate \ Signature				
Olga I. Ramirez				
Typed or printed name of	of person signing certificate			

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)

The following showing of the cause of unavoidable delay must be	be signed by all applicants or by any other
party who is presenting statements concerning the cause of del	ay.
Dist	8/23/06
Signature	Date
Shahnam Sharareh	August 23, 2006
Typed or printed name	Registration Number, if applicable
(In the space provided below, please explain in detail the reason	is for the delay in filing a proper reply.)
EE ATTACHED DOCUMENTS	

Attorney Docket: 70439.00003



Patent Application of:
Gaetano T. Montelione et al

Application No.: 10/536,705 : Group Art Unit: Unknown

Filed: June 26, 2004 : Examiner: Unknown

For: RIBOSOMAL RNA METHYL-TRANSFERASES RImA: TARGET VALIDATION AND PROCESSES FOR DEVELOPING AN INHIBITOR ASSAY AND IDENTIFICATION OF

CANDIDATE INHIBITORS

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

PETITION TO REVIVE THE INSTANT APPLICATION UNDER 37 C.F.R. § 1.137 (A)(B) AS HAVING BEEN ABANDONED DUE TO UNAVOIDABLE OR
UNINTENTIONAL DELAY

Dear Sir:

Pursuant to 37 C.F.R § 1.137 (a)-(b), applicants are filing this petition for the revival of the instant application in response to the Notification of Abandonment dated July 13, 2006.

BACKGROUND

The United States Patent and Trademark Office ("Office") has issued a Notification of Abandonment dated July 13, 2005. The Office has made the determination that there were Insufficient Fees to collect \$65.00 for declaration fee.

In the last communication to the Office dated March 8, 2006, Applicant has expressly authorized the Office to charge the required fees for the \$65.00 small entity fee in compliance with 37 C.F.R. § 1.127. (see Attached Exhibit A).

DISCUSSION

Initially, Applicants state that the entire delay in filing the Insufficient Fees to collect \$65.00 for declaration fee was unavoidable under 37 C.F.R § 1.137 (a), as Applicants had

Attorney Docket: 70439.00003

already authorized the Office to charge the \$65.00 small fee in compliance with the rules. However, it appears that the Office had not charged the correct Account No. 50-1943. For such reason, Applicants contends that the delay was unavoidable under 37 C.F.R § 1.137 (a).

In the alternative, Applicant states that the entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 C.F.R § 1.137(b) was unintentional (See attached Form PTO/SB/64).

AUTHORIZATION OF THE PETITION FEE

We authorize withdrawal of the petition fee set forth in 37 C.F.R. 1.17 (i) or (m) and any fees under 3 7 C.F.R §§ 1.16-1.21 that are deemed to be necessary for any reason relating to the instant material, as required for small entity status, from Fox Rothschild, LLP Deposit Account No. 50-1943.

CONCLUSION

Applicants believe that the requirements of the regulation is satisfied. Accordingly, Applicants respectfully request revival of the instant application under either 37 C.F.R. § 1.137 (a) or (b).

Date: August 23, 2006

08/30/2006 GFREY1 00000105 501943 10536705

01 FC:2617 65.00 DA Respectfully Submitted

Shahnam Sharareh, PharmD

Attorney for Applicants

Registration No. 59,040

FOX ROTHSCHILD LLP

Princeton Pike Corporate Center 997 Lenox Crive, Building 3 Lawrenceville, NJ 08648-2311

Tel: 609-844-3030

Fax: 609-896-1469

AUG 23 2006

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 70439.00003

First named i	inventor: Gaetano T. Montelione	
Application N	lo.: 10/536,705	Art Unit: Unknown
Filed: June 26,	2004	Examiner: Patricia A. Booker
Title: RIBOSOM AN INHIB	MAL RNA METHYLTRANSFERASES RIMA: TARGET V BITOR ASSAY AND IDENTIFICATION OF CANDIDATE	/ALIDATION AND PROCESSES FOR DEVELOPING INHIBITORS
Mail Stop Pe Commissione P.O. Box 145	er for Patents 50 /A 22313-1450	
ı	NOTE: If information or assistance is neede Information at (571) 272-3282.	d in completing this form, please contact Petitions
action by the	United States Patent and Trademark Office	failure to file a timely and proper reply to a notice or The date of abandonment is the day after the expiration plus an extensions of time actually obtained.
	APPLICANT HEREBY PETITIONS FO	R REVIVAL OF THIS APPLICATION
1	NOTE: A grantable petition requires the follo (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaim filed before June 8, 1995; and for (4) Statement that the entire delay w	er fee - required for all utility and plant applications all design applications; and
	entity-fee \$ <u>750.00</u> (37 CFR 1.17(m)). Ap	plicant claims small entity status. See 37 CFR 1.27.
Other	r than small entity – fee \$(37	CFR 1.17(m))
2. Reply and A.	or fee The reply and/or fee to the above-noted Office The form of Response to Notification of Missing Req	ce action in uirements (identify type of reply):
	has been filed previously on March 8.2 is enclosed herewith.	006
B.	The issue fee and publication fee (if application has been paid previously on is enclosed herewith.	
	(Page	1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee				
Since this utility/plant application was filed on or after June 8, 1995, no te	erminal disclaimer is required.			
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$	_ for a small entity or \$ closed herewith (see			
PTO/SB/63). 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]				
WARNING:				
Petitioner/applicant is cautioned to avoid submitting personal information in documents contribute to identity theft. Personal information such as social security numbers, bumbers (other than a check or credit card authorization form PTO-2038 submitted for pathe USPTO to support a petition or an application. If this type of personal information is in USPTO, petitioners/applicants should consider redacting such personal information from to the USPTO. Petitioner/applicant is advised that the record of a patent application is a of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) of a patent. Furthermore, the record from an abandoned application may also be avair referenced in a published application or an issued patent (see 37 CFR 1.14). Checks an 2038 submitted for payment purposes are not repained in the application file and therefore	ank account numbers, or credit card ayment purposes) is never required by ncluded in documents submitted to the the documents before submitting them available to the public after publication is made in the application) or issuance lable to the public if the application is d credit card authorization forms PTO-			
	8/22/06			
	125/00			
Signerure	Date			
Shahnam Sharareh				
Typed or printed name Re	gistration Number, if applicable			
Fox Rothschild, LLP	609-844-3030			
Address	Telephone Number			
997 Lenox Drive, Bldg. #3, Lawrenceville, NJ 08648 Address				
Enclosures: 🗸 Fee Payment				
✓ Reply				
Terminal Disclaimer Form				
Additional sheets containing statements establishing unintentional delay				
Other:				
CERTIFICATE OF MAILING OR TRANSMISSION [37] I hereby certify that this correspondence is being: Deposited with the United States Postal Service on the date show postage as first class mail in an envelope addressed to: Mail Stop Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Transmitted by facsimile on the date shown below to the United S Office as (571) 273-8300. August 23, 2006 Date Typed or printed name of	rn below with sufficient Petition, Commissioner for pates Patent and Trademark ture			